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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF CASE

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FENDI ADELE S.R.L., FENDI S.R.L. :
and FENDI NORTH AMERICA :

Civil Action No.

Plaintiffs,

06 CIV 0243 (RMB)

vs.

ASHLEY REED TRADING, INC.
SCOTT RESSLER
and JAMES RESSLER

Defendants.

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SUPPLEMENTAL SUBMISSION OF DEFENDANTS

The Defendants, Ashley Reed Trading, Inc., Scott Ressler and James Ressler, in the above-captioned matter hereby submit the attached Declaration of Howard Colton in further support of their opposition to Plaintiff's Motion for Summary Judgment.

As the Court is aware, Fendi is the plaintiff in several other pending cases involving Fendi-branded goods from similar sources:

- *Fendi et al. v. Filene's Basement, Inc.* 06 CV 0244 (RMB)
- *Fendi et al. v. Burlington Coat Factory, et al.*, 06 CV. 0085 (LBS)
- *Fendi et al. v. 546332 BC LTD et al.* 06 CV 7084 (JGK)

In their prior submission, the Reply of Defendants to Plaintiffs' Statement Pursuant to Rule 56.1, Docket Document No. 98, defendants asked the court to take notice of the factual submissions of the defendants in the above related actions.

For the Court's convenience, defendants attach herewith what is considered the most

substantial of those factual submissions, the Declaration of Howard Colton which was submitted in *Fendi et al. v. 546332 BC LTD et al.* 06 CV 7084 (JGK), on August 10, 2009, Docket Document No. 81 in that matter.

In particular, defendants note Paragraphs 30 through 40 in which Howard Colton identifies the same sources for Fendi-branded goods obtained through Fendi's own employees identified by Scott Ressler in his affidavit of May 1, 2009 submitted in the above captioned matter, Docket Document No. 100.

Defendants note the Declaration of Howard Colton was filed with redactions regarding specific customer and supplier identities which were not related to the above referenced paragraphs. Defendants are currently submitting the redacted copy. An unredacted copy was filed under seal with the Clerk in *Fendi et al. v. 546332 BC LTD et al.* 06 CV 7084 (JGK).

New York, New York
Dated: January 29, 2010

Respectfully submitted,

/s/ Gerard F. Dunne
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